IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 20992 of 2007(Y)

PETITIONER:

K.RENUKA,
RETIRED PANCHAYATH JUNIOR SUPERINTENDENT,
W/O.K.DHARMARAJAN,AGED 56 YEARS,
KANAKOVIL HOUSE,KARAPARMBU P.O.,KOZHIKODE.

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA
SMT.A.K.RANI

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO LOCAL SELF GOVERNMENT (C) DEPARTMENT,GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF PANCHAYATH, DISTRICT PANCHAYATH OFFICE,KOZHIKODE.

3. THE DIRECTOR OF LOCAL FUND AUDITS, AUDIT DEPARTMENT,THIRUVANANTHAPURAM-33.

4. SRI.K.V.ABDUL RAHIMAN, PRESIDENT,KODIYATHUR GRAMA PANCHAYATH, CHERUVADI P.O., MAVOOR (VIA) KOZHIKODE.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO.20992 of 2007

Dated this the 25th day of October, 2007

JUDGMENT

The petitioner retired from service on 31.1.2006, while working as a Junior Superintendent in the Panchayat service. She is aggrieved by a direction given by the Government to retain an amount of Rs.86,000/= stated to be her liability from DCRG due to her. Ext.P7 is the communication which is issued by the Deputy Director of Panchayats, apparently, in compliance with the directions issued, in that regard, by the Government.

2. Liability, if any, incurred by a Government servant will have to be fixed only after notice to her. In the instant case, Ext.P7 has been issued, without a prior enquiry after notice to the petitioner. As a matter of fact the petitioner had filed a detailed objection as Ext.P6 before the Government.

In the circumstances, the writ petition is disposed of in the following terms:

1) Ext.P7 shall be treated as a show cause notice and the same shall be forwarded by the Director to the first respondent – Government within a period of two weeks from the date of receipt of a copy of this judgment.

2) The first respondent shall, thereafter, hear the petitioner on Ext.P6 objections treating the same as objection to Ext.P7 notice, and pass a final order within a period of three months thereafter.

3) In the meanwhile the admitted amount due to the petitioner by way of DCRG and any other retirement benefits shall be disbursed to the petitioner, within a period of one month from the date of receipt of a copy of this judgment and appropriate direction shall be issued in this regard by the first respondent.

V. GIRI, JUDGE

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